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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,433	11/20/2000	Lou Leonardo	2043.023US1	9413

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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/EBAY  
P.O. BOX 2938  
MINNEAPOLIS, MN 55402

EXAMINER

KESACK, DANIEL

ART UNIT PAPER NUMBER

3691

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/717,433

Applicant(s)

LEONARDO ET AL.

Examiner

Dan Kesack

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 8/2/06.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Amendment filed has been reviewed. Claims 1-27 are currently pending. The rejections are as stated below.

#### ***Response to Arguments***

2. Applicant's arguments, see amendment, filed August 2, 2006, with respect to the rejections of claims 1-27 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made, as stated below.

#### ***Claim Rejections - 35 USC § 112***

3. The rejection of claims 2, 9, 16, and 22 has been withdrawn as a result of Applicant's amendment.

#### ***Claim Rejections - 35 USC § 103***

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1, 4, 5, 8, 11, 12, 15, 18, 19, 21, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over SquareTrade, in view of eBay's "Feedback Forum", herein referred to as "eBay".

Claims 1, 8, 15, 21, SquareTrade discloses an Internet based system of resolving disputes, comprising facilitating submission of a complaint to a network-based facility, the complaint being related to a party in a failed transaction, and facilitating a resolution of the complaint (Steps 1-4).

Claims 1, 7, 8, 14, 15, 21, 27, SquareTrade fails to teach updating a record indicating a count of failed transactions associated with the party if the complaint is not resolved, and buyer and seller transactions including online action transactions.

Claims 1, 8, 15, 21, eBay teaches the feedback rating system, in which submission of a complaint is facilitated, and wherein if the complaint is not resolved, a record indicating a count of failed transactions related to the party is updated (feedback

rating is updated by a negative rating if the transaction is not completed, p.3). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of SquareTrade to include this user data, because it is beneficial to identify repeatedly delinquent users, so as to take precautions to avoid future disputes.

Claims 7, 14, 27, eBay also teaches the system being used in a network-based online auction facility, and the transaction is a network-based online auction transaction (page1). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of SquareTrade to specify the application to online auctions because it is a well known and popular method of online transactions, and is less regulated, and therefore prone to more disputes than retail or commercial online transactions.

Claims 4, 5, 11, 12, 18, 19, 24, 25, SquareTrade teaches providing an interface to facilitate input of information for the complaint (Step 1), and notifying the party that the complaint has been submitted against the party (Step 2).

7. Claims 2, 3, 9, 10, 16, 17, 22, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over SquareTrade and eBay, as applied to claims 1, 8, 15, and 21 above, and further in view of the article "UAUTOBID.com, Inc., Introduces the Capability to Purchase Specific Vehicles Online."

Claims 2, 3, 9, 10, 16, 17, 22, 23, SquareTrade and eBay fail to teach facilitating the submission of a refund request if the complaint is not completed, and providing an interface to facilitate input of information for the refund request.

UAUTOBID.com teaches providing an online refund request form, submitting the form, and refunding money to the user (page 2, "Customer Comfort"). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of SquareTrade and eBay to include a refund capacity because such a guarantee provides user with the added comfort of knowing that a refund will be issued in the event that a settlement cannot be reached in an online transaction dispute.

8. Claims 6, 13, 20, 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over SquareTrade in view of eBay as applied to claims 1, 8, 15, and 21 above, and further in view of Esposito, U.S. Patent No. 6,587,838.

Claims 6, 13, 20, 26, SquareTrade and eBay fail to teach suspending the party from participating future transactions with the network-based facility if the count exceeds a predetermined count value.

Esposito teaches method and system for conducting electronic commerce, wherein a user account history can be viewed, and the accounts of non-paying or delinquent users can be suspended, and barred from participating in future transactions (column 7 lines 10-24). It would have been obvious to one of ordinary skill in the art at the time of the Applicant's invention to modify the teachings of SquareTrade and eBay

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to include the ability to suspend uncooperative or delinquent users because it is beneficial and necessary to bar users who are not following the rules and regulations of the system from taking part in transaction which may cause any future disputes.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Kesack whose telephone number is 571-272-5882. The examiner can normally be reached on M-F, 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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HANI M. KAZIMI  
PRIMARY EXAMINER